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ANNUAL REPORTS: REPORT OF THE DAIRY BRANCH
Fiscal Year 1947

1946/47

The Dairy Branch during the year carried on its regular programs of market news, inspection and grading, marketing agreements and orders, purchase and sales and price support. In addition it assisted in readjusting the dairy industry to a peacetime basis. This involved liquidating many of the wartime contracts and carrying out the Department's responsibilities under the Steagall Act. While milk prices remained considerably above the support level of 90 percent of parity required under the Steagall Act, the price of nonfat dry milk solids was supported because the expansion in production of this product was a direct result of government efforts to expand food production during the war.

The Market News, and Inspection and Grading Programs were carried on as in the past. The Marketing Agreement and Order Program was expanded somewhat and many of the existing orders were amended. There were a number of requests for programs in additional markets, some of which could not be handled because of lack of personnel. By the close of the fiscal year one new order had been issued and hearings had been held or scheduled in three additional markets.

Total milk production during the fiscal year was slightly over 121 billion pounds. It is estimated that about three percent in terms of milk equivalent was exported.

MARKET NEWS

During the fiscal year 1947 the Market News Service was continued along the same general lines followed in previous years. Twenty-four field offices were in operation with 11 on a Federal-State cooperative basis. New cooperative agreements became effective during the year with Arkansas, Delaware, Maryland, Michigan, North Carolina, Ohio and Virginia. A new cooperative agreement which includes other products as well as dairy and poultry was just recently signed with Louisiana. Plans are now under way to start this project.

New field offices were established at Cincinnati, Detroit, and Atlanta and a new service covering broilers in specialized commercial producing areas was inaugurated.

Some of the local offices expanded their services. The New York office made a preliminary study relative to reporting the prices of dressed poultry and the Boston office instituted a daily price report on dressed poultry. Reporting of wholesale butter prices was added at Seattle. The San Francisco office began preparation of a weekly review

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of the Pacific Coast dairy market situation and resumed the issuance of a daily postcard market report which had been discontinued during the war. Although the need for increasing the types and frequency of reports on price, supply and demand information on dry milk and cheese was recognized, facilities and personnel were not available for carrying out this expansion.

Dissemination of market information was carried on principally through mailed mimeographed reports, the press and radio stations. Approximately 6,700,000 copies of market reports were issued at all offices during the year. The local newspapers in each market were supplied with local market information. Over 300 radio stations broadcast dairy and poultry market news reports.

The work of the field offices was further coordinated. The market news handbook in which policies and procedures are outlined was supplemented by two new sections, one on "Price Reporting Policies," and the other on "Training of New Technical Employees."

A statement regarding the Department's price reporting policy was prepared and widely distributed through all field office mailing lists.

INSPECTION AND GRADING

The Inspection and Grading Program was carried on during the year providing inspection and grading services both to Government agencies and the industry. The quantities of dairy and poultry products inspected or graded during the fiscal year 1947 compared to the fiscal years 1945 and 1946 are shown in Table 1.

The rules and regulations of the Secretary governing the sampling, grading, grade labeling and supervision of the packaging of butter, cheese, eggs, poultry and dressed domestic rabbits were revised and published. Following the revision of these rules and regulations, instructions of the Administrator governing plants operated as official plants processing and packaging egg products were developed and published, becoming effective on January 1, 1947.

Increased requests were received from the industry for the grading of shell eggs throughout the Midwest, particularly in connection with marketing programs developed by hatcheries. Schools were held in each state to train egg graders. Turkey grading schools were held in many of the turkey producing states.

The Chicago laboratory began a system of bacteriological control work on the production of frozen eggs.

At the request of industry, continuous inspection service was inaugurated in dairy plants. In addition to the grading or inspection of dairy products for delivery on U. S. Government purchases, large quantities of cheese and of evaporated, dried and condensed milk were inspected

for delivery to foreign buyers. With the increase in the production of butter, there was an increase in the demand for grading this product.

The Poultry Inspection Service is developing a program to provide information to inspectors on diseases of poultry. A pathological laboratory has been set up in Washington to which specimens of diseased carcasses will be sent for examination and diagnosis. Reports will be sent to the inspectors informing them of the laboratory findings and instructing them on the disposition to be made of the carcasses.

Table 1. Comparative statement of amount of inspections and/or gradings on dairy and poultry products during fiscal years 1945, 1946 and 1947.

Commodity	Units:	Fiscal Years		
		1945	1946	1947
		1,000 units	1,000 units	1,000 units
Butter	lbs.	218,112	112,928	166,772
Cheese	lbs.	188,252	200,954	160,400
Eggs	cases	12,190	10,938	12,634
Poultry (Shipping point and terminal market)	lbs.	112,804	178,554	154,039
Dressed poultry (Inspected for condition and wholesomeness)	lbs.	208,191	241,964	228,408
Live poultry	lbs.	549	166	1,267
Dressed turkeys	lbs.	46,635	98,448	92,815
Frozen eggs - graded	lbs.	7,610	37,569	92,588
Frozen eggs - inspected	lbs.	94,189		
Dry milk	lbs.	400,217	250,201	353,846
Evaporated milk	cases	14,295	11,636	8,165
Dried eggs	lbs.	172,831	69,032	126,694
Butter oil ^{1/}	lbs.	7,562	306	-
Butter for butter oil ^{1/}	lbs.	5,856	-	-
Carter's spread ^{1/}	lbs.	1,913	-	-
Butter for Carter's spread ^{1/}	lbs.	1,041	-	-

^{1/} Wartime program. No activity after 1945.

MARKETING DAIRY PRODUCTS

The Branch continued its work on studies of grades and standards, with primary emphasis on dehydrated milk products. Further consideration was given to the desirability of revising present tentative grades and standards for dry whole milk, on the basis of Government experience in the procurement of this product during the war years. Discussion of these standards continued with other Government agencies and industry representatives, but no formal recommendations were made during the fiscal year.

SECTION 32 PURCHASES.

There were no Section 32 purchases, but funds for the purchase of nonfat dry milk and cheese for the School Lunch Program were from Section 32 funds.

PURCHASE ACTIVITIES OTHER THAN SECTION 32 OP FOR CCC PRICE SUPPORT

During the fiscal year the Branch entered into contracts for the purchase of dairy products for the Department to be supplied to WFPRA and other foreign claimants, as well as for domestic price support and school lunch purposes.

The quantity of each dairy product purchased is shown in Table 2.

Table 2 - Quantities of dairy products purchased by Commodity Credit Corporation under Price Support, School Lunch (Section 32) and General Supply Programs^{1/}

Commodity	Price Support	School Lunch	General Supply Program	Total
	Pounds	Pounds	Pounds	Pounds
Butter	-	-	-	-
Cheddar Cheese (Natural)	-	-	11,584,360	11,584,360
Cheddar Cheese (Processed)	-	2,500,000	43,799,274	46,299,274
Dried Whole Milk	-	-	11,764,816	11,764,816
Evaporated Milk	-	-	149,776,346	149,776,346
Nonfat Dry Milk (Roller)	68,509,928	-	46,554,244	115,064,172
Nonfat Dry Milk (Spray)	104,592,705	898,442	53,424,142	158,913,289
Sweetened Condensed Milk	-	-	2,639,970	2,639,970

^{1/} Includes DPMA purchases except for 3,343,690 pounds of spray nonfat dry milk purchased by DPMA, but not turned over to CCC, during the fiscal year.

ADMINISTRATION OF WAR FOOD ACTIVITIES

War Food Orders

During the year one new war food order, No. 149, which prohibited the sale of heavy cream and certain heavy cream products for consumer use, was made effective. This order was issued by the Secretary on

June 26, 1946, became effective July 1, 1946, and was continued in effect without amendment until terminated on November 20, 1946.

Liquidation of War Food Order No. 79, which provided for certain regulations on the conservation and disposition of fluid milk and fluid cream, was completed.

No new set-aside orders on dairy products were instituted during the fiscal year. However, set-aside orders in effect on June 30, 1946, on butter, (WFO-2), Cheddar cheese (WFO-15), nonfat dry milk (WFO-54) and evaporated milk (WFO-118) carried over into the 1947 fiscal year.

Deliveries of set-aside products and the termination of set-aside orders were delayed by the uncertainties immediately preceding and following the expiration of price controls and related programs on June 30, 1946. The Department announced on that date that existing set-aside orders on dairy products would continue in effect and that CCC would stand ready to buy set-aside products at not more than the June 30 ceiling prices. This procurement policy was followed in the case of all products set aside during the time price ceilings were in effect. A higher price was paid for Cheddar cheese set aside during July, after the end of price ceilings and subsidies, to compensate for the production payments that would have been made to farmers on milk if price ceilings had continued, but only in cases where prior set-aside obligations had been completed.

In accordance with the above procurement policy, all outstanding set-aside nonfat dry milk and evaporated milk, and substantially all butter and cheese were delivered to designated Government agencies during the fiscal year. A summary of deliveries of set-aside products during the fiscal year is included in Table 3.

WFO-2. No new set-aside requirement was imposed during the fiscal year. More than 90 percent of 1946 set-aside butter was delivered by mid-October 1946, and substantially all of the remainder had been delivered by the end of December. Formal compliance action was taken against eight receivers, five of whom delivered the full amount of their set-aside obligations soon after formal action was started by the Compliance and Investigation Branch. WFO-2 was terminated effective May 16, 1947. Legal action in the case of three receivers and five producers still was pending at the end of the fiscal year.

WFO-15. Set-aside requirements of 40 percent of Cheddar cheese production were announced for each of the months of July and August 1946. As a result of a reduction in Government requirements for military and export uses, the August set-aside was cancelled. Substantially all of the cheese required to be set aside before the termination of price ceilings on June 30, 1946, was delivered to Government agencies, and only one compliance case remains covering such cheese. Of the 26 million pounds of July 1946 set-aside cheese, 15 million pounds were delivered to Government agencies, and the remaining 11 million pounds were released. WFO-15 was terminated effective March 21, 1947.

WFO-54. Set-aside requirements of 50 and 40 percent, respectively, of nonfat dry milk production during July and August 1946 were announced. As a result of decreased requirements, the July set-aside subsequently was reduced to 30 percent, and the August set-aside was cancelled. Deliveries of set-aside nonfat dry milk were completed during 1946, and WFO-54 was terminated effective October 25, 1946.

WFO-148. A set-aside requirement of 50 percent of evaporated milk production during July 1946 was announced and subsequently cancelled because of reduced Government requirements and market uncertainties following the termination of price controls.

Deliveries of set-aside evaporated milk were completed during 1946 and WFO-148 was terminated effective October 25, 1946.

Table 3. Quantities of set-aside products delivered to designated Government agencies; July 1, 1946 - June 30, 1947¹

Month	Nonfat					
	Butter		Cheddar		Evaporated	
	Dry Milk		Dry Milk		Dry Milk	
	Roller	Spray	Roller	Spray	Roller	Spray
	Million	Million	Million	Million	Million	Million
	pounds	pounds	pounds	pounds	pounds	pounds
July	7.0	4.6	100.2	20.4	12.2	
August	9.1	12.4	23.0	16.1	14.0	
September	2.9	10.1	4.7	6.9	6.3	
October	1.7	10.9	3.0	5.4	5.0	
November	0.5	9.5	-	2.5	3.6	
December	0.3	8.2	-	-	-	
January	0.2	6.5	-	-	-	
February	-	6.9	-	-	-	
March	-	1.7	-	-	-	
April	-	-	-	-	-	
May	-	-	-	-	-	
June	-	-	-	-	-	
Total	21.7	70.8	138.9	51.3	47.1	

- 1/ Compiled from manufacturers' and authorized receivers' and assemblers' monthly reports.

ALLOCATIONS AND SUPPLY RESTRICTIONS

During the first half of the fiscal year, allocation controls were maintained on supplies of all major dairy products produced in the United States inasmuch as requirements of the Armed Forces, UNRRA and foreign governments in collaboration with demands of United States civilians for dairy products on other available supplies, particularly as prices rose sharply. Allocation controls were maintained on supplies of butter, condensed milk, evaporated milk, and dry milk. The Government also controlled supplies of milk and cream for sale to the public at special allocations.

the supplies among the various claimants during this period. Procurement plans for dairy products to be exported overseas to UNRRA and to cash paying governments were based on the approved allocations. Major emphasis was devoted to completing all procurement commitments by January 1, 1947, at which time the Branch discontinued all buying activities for foreign governments except for UNRRA. Since UNRRA funds were almost entirely obligated for other commodities, the Department was completely out of the market for dairy products for the first time since the beginning of the purchase program in early 1941.

In accordance with the policy of eliminating wartime controls as soon as practicable, allocations of dairy products, other than butter and sweetened condensed milk, were terminated on January 1, 1947. Controls on imports and exports of dairy products except butter and sweetened condensed milk were also removed. The Branch worked with the Office of International Trade on problems relating to the administration and elimination of these controls.

OTHER WAR FOOD ACTIVITIES

The Branch cooperated with other agencies of the Department in establishing a production goal for milk of 120.4 billion pounds for the calendar year 1947.

Each month the Branch reviewed the supply situation on dairy products and prepared a statement for the Food Distribution Programs Branch indicating those dairy products which it was expected would be in abundant supply.

The Branch carried on the study of dairy farm marketing practices and the postwar pattern of milk utilization.

ADMINISTRATION OF MARKETING AGREEMENTS AND ORDERS

Marketing agreement and order activities (carried on under the authority of the Agricultural Marketing Agreement Act of 1937, as amended) expanded during the past fiscal year compared to the war years.

With the removal of war controls and the downward trend in producer prices from the peaks of 1946, renewed importance has been attached to the fixing of minimum producer prices under milk orders. A large number of requests were received from producer groups for hearings on new orders, as well as for hearings on orders already in existence.

The Administrative Procedure Act has also required additional activities by the Dairy Branch.

During the past year 31 marketing agreement and order programs for fluid milk were in effect. This number includes one new market, Cleveland, Ohio, where an order became effective on August 1, 1946, and one old market, Washington, D. C., where the program was terminated on April 1, 1947. In Table 1, estimates are given, for the fiscal year 1947, of the number of producers, the volume of pooled milk, and the total value of pooled milk at basic butterfat test, in these fluid milk markets.

Table 4 - Estimated number of producers, estimated volume of pooled milk, and estimated total value of pooled milk at basic butterfat test, in fluid milk markets under marketing agreement programs, July 1, 1946 - June 30, 1947

Market	Basic butter- fat test Percent	Estimated number of pro- ducers Number	Estimated annual volume of pooled milk 1,000 pounds	Estimated value of pooled milk at basic test Dollars
Boston, Mass. (201-210 mile zone)	3.7	12,758	1,289,803	56,703,372
Chicago, Illinois	3.5	17,984	2,777,514	115,472,598
Cincinnati, Ohio	4.0	4,941	302,039	12,551,949
Cleveland, Ohio 1/	3.5	7,175	463,855	21,162,145
Clinton, Iowa	3.5	151	13,050	539,210
Columbus, Ohio	4.0	2,186	173,147	7,702,888
Dayton-Springfield, Ohio	3.5	2,615	190,720	7,849,112
Dubuque, Iowa	3.5	198	27,031	1,069,423
Duluth-Superior, Minn.-Wis.	4.0	1,196	83,405	3,655,688
Fall River, Mass.	3.7	231	30,597	1,682,491
Fort Wayne, Indiana	4.0	760	55,976	2,484,954
Kansas City, Kansas-Missouri	3.8	2,204	238,215	10,936,022
La Porte County, Indiana	3.8	194	19,260	860,567
Louisville, Kentucky	4.0	1,690	192,458	8,990,658
Lowell-Lawrence, Mass.	3.7	1,045	92,825	4,800,572
Minneapolis-St. Paul, Minn.	3.5	6,781	677,736	27,211,325
New Orleans, La. (61-70 mile zone)	4.0	2,073	151,493	7,005,420
New York, N. Y. (201-210 mile zone)	3.5	46,127	5,631,633	240,072,931
Omaha-Council Bluffs, Nebr.-Iowa	3.8	2,678	151,914	6,727,321
Philadelphia, Pa.	4.0	9,077	964,244	47,954,784
Quad Cities, Ill.-Iowa	3.5	1,259	112,872	4,622,690
St. Joseph County, Indiana	4.0	644	65,344	2,949,094
St. Louis, Missouri	3.5	3,369	359,662	16,268,358
Sioux City, Iowa	3.5	504	32,628	1,411,082
Suburban Chicago, Ill.				
Grade A	3.5	495	75,537	3,275,572
Grade B	3.5	2,478	209,500	8,719,040
Toledo, Ohio	3.5	2,024	143,418	6,238,466
Topeka, Kansas	3.8	236	24,863	1,134,413
Tri-State; (Ky., Ohio, & W. Va.)				
Huntington District Plants	3.5	566	45,812	2,054,770
Other than Huntington dist. plants:	3.5	712	54,548	2,344,296
Washington, D.C. 2/	4.0	1,654	305,954	16,279,536
Wichita, Kansas	3.6	440	51,118	2,442,810
Total		138,475	17,006,579	653,496,559

1/ Order effective August 1, 1947.

2/ Order terminated April 1947.

Compiled from reports of the market administrators.

The agreement and license for evaporated milk which continued in effect during the year were terminated June 30, 1947.

During the year, 53 hearings were held to consider amendments to existing orders or the issuance of orders in new areas.

There were 14 requests for new programs. Hearings were held in Paducah, Kentucky; St. Joseph, Missouri; and Nashville, Tennessee, marketing areas, not previously under Federal regulation. Analyses of the records of these hearings and other actions incidental to the issuance of new orders will proceed during the coming year.

As a result of amendment hearings this year and the preceding year, 30 amendments were issued to existing orders. Twenty-eight suspension orders were issued which made changes in existing orders. As a result of the Administrative Procedure Act, eight hearings were held on rules under the terms of particular orders.

Nineteen determinations pertaining to the qualification of cooperative associations for participation in program activities set up under the Agricultural Marketing Agreement Act and in certain orders were prepared in the Franch and signed by the Secretary.

Fifty-two petitions for review of various order provisions under authority contained in section 8c(15)(A) of the Agricultural Marketing Agreement Act, as amended, were received; 35 petitions received this year, or pending from former years, were disposed of during the year. As of June 30, 1947, action was pending on 57 petitions.

Thirteen new court cases were started during the year; 18 cases, started or pending during the year, were closed. On June 30, 1947, there remained 31 pending cases.

In the following important cases, a decision was handed down:

Court Cases:

1. United States v. Joseph Ruzicka and Charles Ruzicka. (Chicago Order No. 41) The Supreme Court ruled that a handler must exhaust his administrative remedies under Section 15(a) of the Act before he can secure a court review on the merits of his case.
2. Boiley Farm Dairy Company v. Anderson. (St. Louis Order No. 3) Both a Federal District and a Circuit Court of Appeals upheld an allocation provision giving qualified producers first claim on 95 percent of Class I sales in the market if they produced a volume of milk sufficient to satisfy such sales, as a proper exercise of the incidental powers of the Secretary under the Act (Section 8c(7)(D)).
3. Avon Dairy Company et al. v. Anderson (Cleveland Order No. 75) A Federal District Court ruled that a dismissal of a stay requested under the provisions of the Administrative Procedure Act was not a final action by the Secretary from which an appeal to the courts was authorized.

Administrative Cases

1. In re The Pastel Milk Company, et al. (Columbus Order No. 74) The Judicial Officer held that the marketing of milk in Columbus, Ohio, sufficiently affected interstate commerce to justify Federal regulation in that market. The decision has been appealed to the District Court.
2. In re The Borden Company. (New York Order No. 27) The Judicial Officer held that an interpretation by a market administrator permitting a deduction from the uniform price for actions affecting milk in the hands of a handler is within the scope of authority conferred by the order upon the market administrator and should be the law for the time that it is in effect if there has been a long period of continuous and uniform application of the interpretation.

COMMUNITY CREDIT CORPORATION CAPITAL FUNDS

SUBSIDIES

With the expiration of price controls on June 30, 1946, the Dairy Production Payment Program was terminated. Since dairy products were not again placed under price control, there were no further subsidy programs authorized.

FULL CARRIES

Under the Steagall Act, the Department is obligated to support the prices of milk and butterfat at not less than 90 percent of parity during 1947 and 1948. In view of this commitment, the Branch made comprehensive studies of alternate price support methods in preparation for carrying out the obligations of the Department if necessary.

Based on prospective supply and demand conditions, it was anticipated that nonfat dry milk solids would be the first dairy product on which price support would be necessary. On February 24 the Department announced that it had authorized the Dairy Products Marketing Association, Inc., to make open market purchases of Extra grade nonfat dry milk solids at not to exceed 10 cents per pound for spray process and 9 cents per pound for roller process. The initial authorization was for 5 million pounds but it was announced that if those purchases did not stabilize the market, the Department was prepared to take further action.

DMA purchases under the initial authorization were completed early in March, and on March 7 the Department announced that the support program would be extended through June 30 by direct CCC purchases of spray and roller nonfat dry milk in the open market at the previously announced support levels. The original fiscal year authorization under the CCC program was for the purchase of 100 million pounds. This authorization was extended to 200 million pounds in mid-May.

Net purchases under the 1947 price support program through June were 104,592,705 pounds of spray and 66,509,928 pounds of roller nonfat dry milk.

In addition to the nonfat dry milk support program, further work and analysis were done in connection with price support programs for other major dairy products. Prices of these products remained above minimum support levels, however, and no further action was taken to extend the support program to products other than nonfat dry milk during the fiscal year.

PLANT FACILITIES

The milk drying facilities financed with lend-lease funds continued to operate with a minimum of administrative work by the Branch. Some technical assistance was rendered and policy recommendations made to the Plant Financing Division of the Fiscal Branch in connection with the operation of these facilities.

At the end of the fiscal year a field survey of lend-lease facilities was in progress, to determine recent trends in the utilization of these facilities, including changes in quantities of whole milk and butterfat delivered, number of patrons delivering, losses of patrons to other processing facilities, and local conditions affecting current utilization.

The Branch also completed a detailed study of milk drying facilities in each dairy plant in the country in order to evaluate the relationship of drying facilities to potential postwar production requirements for nonfat dry milk. The study also compared the capacity of facilities for the manufacture of spray and roller types of dry milk products together with the relative changes that have taken place with respect to each type.

Technical assistance also was rendered in connection with the application for and issuance of permits to the dairy industry for the construction of new dairy facilities and the remodeling and modernization of existing facilities.

EXCESS STOCKS

The Dairy Branch sold in domestic channels considerable quantities of dairy products declared surplus by other government agencies. The bulk of such sales was made up of ice cream mix declared surplus by the Navy. A summary of surplus sales of dairy products during the fiscal year is included in Table 5.

Table 5 - Domestic sales of dairy products declared surplus
by other government agencies July 1, 1946 - June 30, 1947

Commodity	Number of Pounds
Ice cream mix	3,410,621
Malted Milk Tablets	36,978
Nonfat dry milk	20,000
Army spread and preserved butter	59,923

INVENTORY DISPOSALS TO UNRFA AND OTHER FOREIGN GOVERNMENTS

During the first half of the fiscal year, the Department continued to procure dairy products for UNRFA and cash paying governments. As of January 1, all cash paying governments were advised to purchase supplies commercially on the open market.

About 300,000 tons of dairy products were shipped by the Department during the fiscal year with 46 percent going to the United Kingdom, 22 percent to UNRFA, 14 percent to the occupied areas of the military agencies, 12 percent to France, and the balance of 6 percent to other foreign governments on a cash basis. Of the total amount of dairy products shipped, evaporated milk accounted for over 50 percent; nonfat solids, 30 percent; and cheese about 15 percent.

During the latter part of the year the Branch was working on the problem of finding export outlets for nonfat solids which were being procured under price support activities. Nearly 122 million pounds of price support powder were sold to the Army and UNRFA during the year of which about 60 million pounds were estimated to have been shipped by June 30, 1947.

OTHER INVENTORY DISPOSALS

In addition to selling dairy products which were declared surplus by other government agencies, the Branch sold dairy products held by the Commodity Credit Corporation to domestic purchasers for the purpose of reducing CCC inventories or for disposing of stocks which were out of condition. The amount of such dairy products sold to purchasers in the United States is shown in Table 6.

Table 6 - Domestic sales of Commodity Credit Corporation
stocks of dairy products, July 1, 1946 - June 30, 1947

Commodity	Number of Pounds
Cheese	87,013
Dried whole milk	45,000
Milk powder sweepings	1,000
Nonfat dry milk	78,630

